

Expiration Date: July 28, 2016

**HAZARDOUS WASTE MANAGEMENT ACT
PERMIT FOR
DANGEROUS AND MIXED WASTE MANAGEMENT
AT THE BREMERTON NAVAL COMPLEX**

Department of Ecology, Nuclear Waste Program
3100 Port of Benton Blvd.
Richland, Washington 99354
Telephone: (509) 372-7950

This Permit is issued in accordance with the applicable provisions of the Hazardous Waste Management Act, Chapter 70.105 & Chapter 70.105D Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC).

PERMITTEE: United States Department of Defense, Department of the Navy
for the Bremerton Naval Complex

Site address

1400 Farragut Avenue, Bremerton, Washington 98314-5001

EPA/State identification number **WA2 17002 3418**

This Permit is effective as of July 28, 2006, and shall remain in effect until July 28, 2016 unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY

Jane Hedges, Program Manager
Nuclear Waste Program
Washington State Department of Ecology

Date

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INTRODUCTION

Permittee: U.S. Department of Defense, Department of the Navy for the Bremerton Naval Complex

EPA/State identification number: **WA2 17002 3418**

Pursuant to Chapter 70.105 & Chapter 70.105D Revised Code of Washington (RCW), the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 Washington Administrative Code (WAC), a permit is issued to the Permittee to operate a Mixed Waste Storage Facility (MWSF) located at 1400 Farragut Avenue, Bremerton, Washington 98314-5001; complete closure of buildings 944/982; and complete Corrective Action requirements.

The Permittee must comply with all terms and conditions set forth in this Permit and in Permit Attachments AA through II. When the Permit and the Permit Attachments conflict, the wording of this Permit shall prevail.

This Dangerous Waste Permit is based on applicable state regulations and statutes in effect on the date of permit issuance and those federal regulations incorporated by reference into these state regulations. Periodically, the state initiates changes to Chapter 70.105 & Chapter 70.105D Revised Code of Washington (RCW), the Hazardous Waste Management Act of 1976, or the implementing regulations. The Permittee may implement more stringent state or federal standards at any time, unless doing so would require Ecology review and approval of construction design or MWSF procedures, or would conflict with requirements of this Permit. For less stringent provisions, the Permittee must request and receive approval for a permit modification before applying the less stringent requirements.

Any procedure, method, data, or information contained in this document that relates to the radioactive source, byproduct material, and/or special nuclear components of mixed waste (as defined by the Atomic Energy Act of 1954, as amended) is not included for the purpose of regulating such components under the authority of this Permit, Chapter 70.105 and/or Chapter 70.105D RCW.

The RCRA Permit issued to the Permittee consists of two components – the Dangerous Waste portion issued by Ecology pursuant to WAC 173-303-806, and the Hazardous & Solid Waste Amendment (HSWA) portion issued by EPA pursuant to 40 CFR Part 270. Use of the term “Permit” within the Dangerous Waste portion of the Permit shall refer to the Dangerous Waste requirements. Terms used in this Permit shall have their standard meaning, except where this Permit specifically states otherwise.

This Dangerous Waste Permit is based upon the administrative record, as required by WAC 173-

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1 303-840. The Permittee's failure in the application or during the permit issuance process to fully
2 disclose all relevant facts or the Permittee's misrepresentation of any relevant facts at any time
3 are grounds for the termination or modification of this Permit and/or initiation of an enforcement
4 action, including criminal proceedings. The Permittee must inform Ecology of any deviations
5 from the permit conditions. In particular, the Permittee must inform Ecology of any proposed
6 changes that might affect the ability of the Permittee to comply with applicable regulations and
7 permit conditions or that alter any of the conditions of this Permit in any way.

8
9 Ecology has primary enforcement authority for all conditions of this Permit. Any challenge of a
10 permit condition must be appealed to the Pollution Control Hearings Board in accordance with
11 WAC 173-303-845. The EPA has the authority to enforce any condition in this Permit that is
12 based on federal regulations for which the State of Washington's dangerous waste management
13 program is authorized.

14
15 In the event that Ecology does not maintain its authorization for the federal RCRA program, then
16 the EPA becomes the regulatory authority for all permit conditions except those that are state-
17 only requirements. In that event, EPA will issue its own separate permit.

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BRIEF OVERVIEW

The U.S. Department of Defense, Department of the Navy, Puget Sound Naval Shipyard & Intermediate Maintenance Facility (PSNS & IMF) command submitted a final status dangerous waste permit application to demonstrate how it intends to comply with the requirements of Chapter 173-303 WAC for operation of a dangerous and mixed waste storage facility.

Mixed Waste Storage Facility (MWSF)- MWSF, Building 1002, is a rectangular building, 54 feet by 42 feet in size, located south of Farragut Avenue between Buildings 818 and 455. The MWSF was designed and constructed specifically to store mixed waste in accordance with Chapter 173-303 WAC. The MWSF is strictly a storage area with no capabilities for treatment. The MWSF stores mixed waste generated as a result of radiological work on nuclear powered vessels at naval facilities in support of the Naval Nuclear Propulsion Program (NNPP). Mixed wastes can be received from active ships; generated from shipyard production work including removal and installation of components on ships; on-ship and off-ship repair of components; and decommissioning and recycling (demolition) of ships. The MWSF also receives waste generated during shipyard waste processing, laboratory analysis, and on-site demolition.

The Permittee maintains a Site Treatment Plan (STP) for the mixed that is generated at naval facilities and managed by PSNS & IMF. Specific information is provided within the STP on the waste streams managed, on-site processing (radiological release determination, segregation, decontamination, sampling, and characterization) performed prior to containerized storage at the MWSF, and off-site treatment that is required prior to disposal. The PSNS & IMF STP is updated yearly and provided to Ecology for review and approval pursuant to the Federal Facility Compliance Act of 1992.

In support of this Permit, the Permittee submitted to Ecology, its "Environmental Assessment and Finding of No Significant Impact for Proposed MWSF" which was completed in March 1994 to satisfy its National Environmental Policy Act (NEPA) requirements. Ecology has reviewed this document and proposes a Determination of Non-significance (DNS) to fulfill the State of Washington's State Environmental Policy Act (SEPA) requirements. In addition, Ecology completed the SEPA Checklist and will attach it to the DNS.

This Permit establishes requirements for the MWSF such as: procedures and standards of waste analysis, waste receipt, waste storage, and MWSF closure. In addition, this Permit contains requirements for personnel training, general MWSF inspection, emergency planning, record keeping, and reporting. Procedures are included in this Permit for establishing specific operating limits, inspections, safety measures and record keeping requirements that will ensure general performance standards are met.

Building 944/982 Closure- This Permit also establishes final status closure requirements for Building 944/982 in accordance with Ecology's approved closure plan dated October 31, 2005. Building 944/982 operated as interim status Treatment, Storage, and Disposal Facility that was

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1 used for the storage of liquid and solid hazardous waste, as well as off-specification and surplus
2 chemicals, until they were transported off-site for treatment, if necessary, and disposal. Building
3 944/982 closure plan was previously approved by Ecology under interim status [WAC 173-303-
4 805] it is being closed under final status authority of WAC 173-303-610 and WAC 173-303-630
5 through permit condition III.B.3. Building 944/982 is scheduled for RCRA closure in 2006.
6 After the Permittee completes certification of closure according to the approved closure plan
7 pursuant to this Permit, Building 944/982 will be operated as a Less Than 90-Day hazardous
8 waste accumulation area in accordance with WAC 173-303-200 requirements. This Permit does
9 not authorize any treatment, storage or disposal of dangerous or mixed waste at Building
10 944/982.

11
12 **Corrective Action Overview-** Corrective action requirements for the entire contiguous property
13 of the Facility are also addressed in this Permit. Corrective Action means any activities
14 including investigations, studies, characterizations, and corrective measures undertaken in whole
15 or in part to fulfill the requirements of WAC 173-303-646. The Facility has been listed on the
16 National Priorities List (NPL) pursuant to the Comprehensive Environmental Response,
17 Compensation and Liability Act (CERCLA), and it has entered into a Federal Facilities
18 Compliance Act (FFCA) with Ecology and EPA. Six Operable Units (OU) are identified in the
19 Permit. Five OU's are being remediated according to the requirements of their respected
20 Records of Decision (RODs) pursuant to CERCLA. Ecology has determined that the Permittee
21 may demonstrate compliance with the requirements of WAC 173-303-646 through compliance
22 with these CERCLA requirements. One additional Operable Unit is being remediated under the
23 Model Toxics Control Act (MTCA) according to the requirements of a Cleanup Action Plan and
24 a compliance schedule. Ecology has determined that the Permittee may demonstrate compliance
25 with the requirements of WAC 173-303-646 for the MTCA cleanup through adhering to the
26 compliance schedule in permit condition V.B.2 of this Permit. Upon completion of work at the
27 Operable Units identified above, Ecology will determine if all corrective action requirements
28 have been met or if additional corrective action is required pursuant to WAC 173-303-64620(1)
29 and (2).

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LIST OF ATTACHMENTS

The documents listed below are incorporated in their entirety into this Permit. Some of the documents are excerpts from the Permittee's Dangerous Waste permit application. Ecology has, as deemed necessary, modified specific language in the Permit Attachments. These modifications are described in the permit conditions (Parts I through V), and thereby supersede the language of the permit application language incorporated by reference. The incorporated Permit Attachments are enforceable conditions of this Permit, as modified by the specific permit conditions.

Attachment AA	Part A of the permit application, the Dangerous Waste Permit Forms
Attachment BB	Topographic Maps (Section B-2 and Figures B-1, B-3 and B-4 of the permit application) and Typical Arrangement inside MWSF (Figures D-1, D-2 and D-3 of the permit application)
Attachment CC	Mixed Waste Analysis Plan (Section C of the permit application)
Attachment DD	Inspection Record (Attachment F-1 of the permit application)
Attachment EE	Training Matrix (Table 8.1 of Section H of the permit application)
Attachment FF	MWSF (Building 1002) Closure Plan and Closure Plan Attachments FF-1 & FF-2 (Attachments to Section I of the permit application)
Attachment GG	Mixed Waste Storage Facility Contingency Plan (Attachment G-1 of the permit application)
Attachment HH	Schedule for Remedial Action for Problems Revealed (Section F-2c of the permit application)
Attachment II	Definition of Facility, Figures 1 & 2

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1 DEFINITIONS

2 All definitions contained in the following are hereby incorporated, in their entirety, by reference
3 into this Permit: Chapter 70.105 & Chapter 70.105D RCW; Chapter 173-303 WAC; and
4 Chapter 173-340 WAC, as undertaken in whole or in part to fulfill the role of WAC 173-303-
5 646. If any definitions in the listed rules and laws differ from the definitions in this Permit, the
6 Permit's definitions prevail.

7 Where terms are not defined in the regulations or the Permit, the meaning associated with such
8 terms are defined by a standard dictionary reference or the generally accepted scientific or
9 industrial meaning of the term.

10 Some terms are specifically defined in Part V, Corrective Action, for the purposes of that part of
11 this Permit.

12 For purposes of this Permit, except where a specific definition applies under Part V, Corrective
13 Action, the following definitions apply:

14 "Agencies" means the U.S. Environmental Protection Agency, Region 10, and the Washington
15 State Department of Ecology.

16 "Dangerous Waste" means those solid wastes designated in WAC 173-303-070 through WAC
17 173-303-100 and dangerous, or extremely hazardous or mixed waste.

18 "Mixed Waste Storage Facility (MWSF)" means Building 1002 used to manage dangerous
19 and/or mixed wastes. The location and description of Building 1002 is set forth in Permit
20 Attachment AA of this Permit.

21 "Days" means calendar days unless otherwise defined for a condition or section of this Permit.

22 "Ecology" means the Washington State Department of Ecology (with the address as specified on
23 page one of this Permit).

24 "EPA" means the U.S. Environmental Protection Agency, Region 10.

25 "Facility" for purposes of this Permit, the "Facility" shall be the Bremerton Naval Complex, as
26 depicted in Figures 1 & 2 of Permit Attachment II according to permit condition II.H.

27 "Occurrence" means an accident, including continuous or repeated exposure to conditions,
28 which result in bodily injury or property damage that the owner or operator neither expected nor
29 intended to occur.

30 "Permit" means the dangerous waste component of the RCRA Permit which is issued by the
31 Washington State Department of Ecology pursuant to Chapter 70.105 & Chapter 70.105D RCW
32 and Chapter 173-303 WAC,.

33 "Mixed Waste Storage Facility" means Building 1002 (MWSF).

34 "Waste Profile" means a detailed chemical, physical, and/or biological analysis of a dangerous
35 waste.

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LIST OF ACRONYMS

AOC	Area of Concern
ASTM	American Society for Testing and Materials
BNC	Bremerton Naval Complex
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CIA	Controlled Industrial Area
DNS	Determination of Non-significance
DW	Dangerous Waste
Ecology	Washington State Department of Ecology
EHW	Extremely Hazardous Waste
EPA	U.S. Environmental Protection Agency
EPDM	Ethylene Propylene Diene Monomer
FEMA	Federal Emergency Management Agency
FFCA	Federal Facilities Compliance Act
FISC	Fleet Industrial Supply Center
GPM	Gallons Per Minute
HSWA	Hazardous & Solid Waste Amendment
IRR	Inactivation, Recycling, Reactor Compartment Disposal
LDR	Land Disposal Restriction
LLRW	Low Level Radioactive Waste
MSDS	Material Safety Data Sheet
MTCA	Model Toxics Cleanup Act
MWAP	Mixed Waste Analysis Plan
MWMP	Mixed Waste Management Plan
MWPP	Mixed Waste Profile Portfolio
MWIF	Mixed Waste Information Form
MWSF	Mixed Waste Storage Facility
NEPA	National Environmental Policy Act
NNPP	Naval Nuclear Propulsion Program
NPL	National Priorities List
OU	Operable Unit
PCB	Polychlorinated Biphenyls
PPE	Personal Protective Equipment
psf	Pounds Per Square Foot
psi	Pounds Per Square Inch
PSNS & IMF	Puget Sound Naval Shipyard & Intermediate Maintenance Facility
QP	Laboratory Quality Plan

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RAMT	Radioactive Material Tag
RCRA	Resource Conservation and Recovery Act Of 1976
RCW	Revised Code of Washington
QA/QC	Quality Assurance / Quality Control
ROD	Record of Decision
SAR	Sample Analysis Request
SEPA	State Environmental Policy Act
STP	Site Treatment Plan
SWMU	Solid Waste Management Unit
TBG	Treatment by Generator
TCLP	Toxicity Characteristic Leaching Procedure
TSCA	Toxic Substances Control Act
TSDF	Treatment, Storage, and Disposal Facility
TWD	Technical Work Document
UHWI	Uniform Hazardous Waste Manifest
USDOT	United States Department of Transportation
VOC	Volatile Organic Compound
WAC	Washington Administrative Code

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PART I – STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

Subject to WAC 173-303-810(8)(a), compliance with this Permit constitutes compliance, for the purposes of enforcement, with Chapter 173-303 WAC. Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege. [WAC 173-303-810(8)(b)] Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. [WAC 173-303-810(8)(c)]

I.B. STANDARD PERMIT CONDITIONS

I.B.1. The Permittee shall comply with any self-implementing statutory provisions, which according to the requirements of state law, are automatically applicable to the Permittees' dangerous and/or mixed waste activity, notwithstanding the conditions of this Permit.

I.B.2. Equivalent materials/information

If certain equipment, materials, and administrative information (such as names, phone numbers, and addresses) are specified in this Permit, the Permittee is allowed to use an equivalent or superior item. Use of such equivalent or superior items shall not be considered a modification of this Permit unless otherwise required by WAC 173-303-830. However, the Permittee must place the revision in the operating record (prior to its implementation) accompanied by a narrative explanation and the date the revision became effective. Ecology may judge the soundness of the revision during inspections of the MWSF and take appropriate action. The format of tables, forms, and the orientation of furniture on figures are not subject to the requirements of this Permit, and may be revised at the Permittee's discretion.

I.C. PERMIT ACTIONS

I.C.1. This Permit may be modified, revoked, or terminated by Ecology for cause as specified in WAC 173-303-830(3), (4), and (5). The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee shall not stay the applicability or enforceability of any condition. [WAC 173-303-810(7)]

I.C.2. This Permit may be renewed as specified in WAC 173-303-810(3) and permit condition I.E.2. Ecology review of any application for a permit renewal will consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

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1
2 I.C.3. Permittee Initiated Modifications
3

4 Permit modification at the request of the Permittee must comply with WAC 173-
5 303-830(4) and Condition I.C.4. The permit modification request must include
6 draft page changes to this Permit and its Permit Attachments, and supporting
7 documentation necessary to justify the proposed permit modification(s). A draft
8 of affected permit conditions and Permit Attachments with changes clearly noted
9 in red-line strikeout must be submitted to Ecology for review and approval as part
10 of the permit modification request.

11
12 I.C.4. Requirement for Revised Permit
13

14 Within forty-five (45) days of the effective date of any permit modification, the
15 Permittee shall provide Ecology with updated permit pages that reflect the
16 approved modification, if not already reflected in the pages changed and
17 submitted in the original permit modification request.
18

19 I.D. SEVERABILITY
20

21 I.D.1. Effect of Invalidation
22

23 The provisions of this Permit are severable. If any provision of this Permit or the
24 application of any provision of this Permit to any circumstance is held invalid, the
25 application of such provision to other circumstances and the remainder of this
26 Permit shall not be affected thereby. Invalidation of any state or federal statutory
27 provision which forms the basis for any condition of this Permit does not affect
28 the validity of any other state or federal statutory or regulatory basis for said
29 condition.
30

31 I.D.2. If a condition of this Permit is stayed for any reason, for that condition the
32 Permittee must continue to comply with the related applicable interim status
33 standards in WAC 173-303-400 until final resolution of the stayed condition. The
34 only exception is if Ecology determines compliance with such interim status
35 standards are technologically incompatible with compliance with permit
36 conditions that have not been stayed.
37

38 I.E. DUTIES AND REQUIREMENTS
39

40 I.E.1. Duty to Comply
41

42 The Permittee shall comply with all conditions of this Permit [WAC 173-303-
43 810(2)] except to the extent and for the duration such noncompliance is
44 authorized by an emergency permit issued under WAC 173-303-804. Any permit
45 noncompliance, other than noncompliance authorized by an emergency permit,

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constitutes a violation of Chapter 173-303 WAC and/or RCRA and is grounds for:
a) enforcement action; b) termination of this Permit, WAC 173-303-830(5)(a); c)
revocation and re-issuance of this Permit; d) modification of this Permit; or e)
denial of a permit renewal application.

I.E.2. Duty to Reapply

To continue an activity allowed by this Permit after this Permit's expiration date, or if the Permittee is required by Ecology pursuant to Chapter 173-303 WAC to conduct or continue post-closure care or corrective action after this Permit's expiration date, the Permittee must submit to Ecology a complete permit application at least 180 days before this Permit's expiration date. Permit application requirements are in WAC 173-303-806. Ecology may require the Permittee to submit information in order to establish permit conditions to protect human health and the environment, and comply with WAC 173-303-806(11)(d).

I.E.3. Duty to Halt or Reduce Activity

A Permittee who has not complied with this Permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [WAC 173-303-810(4)]

I.E.4. Duty to Mitigate

The Permittee must take all steps required by Ecology to minimize or correct any adverse impacts on the environment resulting from non-compliance with this Permit. [WAC 173-303-810(5)] Such mitigation shall not be a defense to enforcement.

I.E.5. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and all systems of treatment and control which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control (QA/QC) procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit. [WAC 173-303-810(6)]

I.E.6. Duty to Provide Information

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The Permittee shall furnish to Ecology, within a reasonable time, any information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to Ecology, upon request, copies of records required to be kept by this Permit (permit condition I.K). [WAC 173-303-810(9)]

I.E.7. Inspection and Entry

Pursuant to WAC 173-303-810(10), the Permittee shall allow representatives of Ecology upon the presentation of proper credentials, to:

I.E.7.a. Enter at reasonable times upon the Permittee's premises where the regulated MWSF is located or activity is conducted, or where the Permittee must keep records under the conditions of this Permit;

I.E.7.b. Have access to and copy, at reasonable times, any records that Permittee must keep under the conditions of this Permit;

I.E.7.c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

I.E.7.d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 173-303 WAC, including sections of 40 CFR Part 264 that are incorporated by reference into Chapter 173-303 WAC, any substances or parameters at any location under the conditions of this Permit.

I.E.8. Reporting changes in MWSF operations, ownership, anticipated or other noncompliance with this Permit, and other information pursuant to WAC 173-303-810(14).

I.E.8.a. The Permittee must give advance notice to Ecology of any planned changes in the permitted MWSF or activity that may result in noncompliance with permit requirements or conditions.

I.E.8.b. The Permittee must give notice as soon as possible of any planned physical alterations or additions to the MWSF. Such physical alterations or additions require a permit modification.

I.E.8.c. Whenever the Permittee becomes aware that it failed to submit relevant facts in the permit application or submitted incorrect information in a permit application or in any report to Ecology, the Permittee must promptly submit such facts or information to Ecology.

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I.E.8.d. Monitoring results (including monitoring of the MWSF's impacts as required by the applicable sections of Chapter 173-303 WAC) must be reported at the intervals specified in WAC 173-303-810.

I.E.8.e. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule must be submitted no later than fourteen days following each scheduled date.

I.E.8.f. The Permittee must report all instances of permit noncompliance at the MWSF which are not already reported under "immediate reporting," monitoring reports, and compliance schedules. The reports must contain the information listed in WAC 173-303-810(14)(f)(i) through (iii).

I.E.8.g. In addition, the following reports are required when appropriate:

I.E.8.g.i. Mixed waste manifest discrepancy report as required by WAC 173-303-370(4);

I.E.8.g.ii. Unmanifested mixed waste report as required by WAC 173-303-390(1);

I.E.8.g.iii. Annual report as required by WAC 173-303-390(2).

I.E.8.h. Ecology may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in WAC 173-303-281(6)(b). The information repository will be governed by the provisions in WAC 173-303-281(6)(c) through (f).

I.F. MONITORING, RECORDS, AND REPORTING

I.F.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. [WAC 173-303-810(11)(b)] The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from WAC 173-303-110, or an equivalent method approved by Ecology. Laboratory methods must be those specified in WAC 173-303-110(3)(a), other alternate methods approved in this Permit (e.g., Permit Attachment CC), or an equivalent method in accordance with permit condition I.F.2. of this Permit.

I.F.2. The Permittee may substitute analytical methods that are equivalent or superior to those specifically approved for use in this Permit in accordance with the following: [WAC 173-303-110]

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1 I.F.2.a. The Permittee must submit to Ecology a request for substitution of an
2 analytical method(s) specifically approved for use in this Permit. The
3 request shall provide information demonstrating that the proposed
4 method(s) requested to be substituted is equivalent or superior in terms of
5 sensitivity, accuracy, and precision (i.e., reproducibility); and
6

7 I.F.2.b. The Permittee receives a written approval from Ecology for the
8 substitution of an analytical method(s). Such approval shall not require a
9 permit modification under WAC 173-303-110.
10

11 I.F.3. Pursuant to WAC 173-303-810(11)(d), records of monitoring information shall
12 specify:
13

14 I.F.3.a. The date, exact place, and times of sampling or measurements;
15

16 I.F.3.b. The individual(s) who performed the sampling or measurements;
17

18 I.F.3.c. The date(s) analyses were performed;
19

20 I.F.3.d. The individual(s) who performed the analyses;
21

22 I.F.3.e. The analytical techniques or methods used; and
23

24 I.F.3.f. The results of such analyses, including the QA/QC results and
25 requirements.
26

27 I.F.4. The Permittee shall immediately report to Ecology any release, fire, explosion,
28 natural disaster, or incident of noncompliance with this Permit that may endanger
29 human health or the environment. This reporting shall meet the requirements in
30 WAC 173-303-360(2)(d).
31

32 I.F.5. Within fifteen (15) calendar days of an incident that requires implementation of
33 the Contingency Plan (Permit Attachment GG), the Permittee shall submit a
34 written report of the incident to Ecology meeting the requirements of WAC 173-
35 303-360(2)(k) and WAC 173-303-810(14)(f).
36

37 I.F.6. The Permittee shall report to Ecology all incidents of noncompliance with this
38 Permit, other than incidents specified in permit conditions I.F.3, I.F.4, and I.F.5,
39 every three (3) months. These reports shall meet the requirements in WAC 173-
40 303-810(14)(g).
41

42 I.F.7. The Permittee must immediately report any noncompliance which may endanger
43 health or the environment. Information must be provided orally to Ecology as
44 soon as the Permittee becomes aware of the circumstances. [WAC 173-303-
45 810(14)(f)]

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I.F.8. A written submission must also be provided within five (5) days of the time the Permittee becomes aware of the circumstances. Ecology may waive the written submission requirement in favor of a written report, to be submitted within fifteen (15) days. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [WAC 173-303-810(14)(f)]

I.G. COMPLIANCE NOT CONSTITUTING DEFENSE

Notwithstanding permit condition I.A of this Permit, compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under any state or federal omnibus laws governing protection of public health or the environment. However, compliance with terms of this Permit does constitute a defense to any action alleging failure to comply with applicable standards upon which this Permit is based, or failure to operate under a permit required by WAC 173-303-800 with respect to those activities authorized by this Permit.

I.H. TRANSFER OF PERMITS

This Permit may be transferred by the Permittee to a new owner or operator only if this Permit has been modified or revoked and reissued pursuant to WAC 173-303-830(2).

I.I. PERMIT CONTINUATION

This Permit and all its conditions will remain in effect beyond this Permit's expiration date until Ecology has made a final permit determination (issuing or denying a new permit) if the Permittee has submitted a timely, complete application in compliance with permit condition I.E.2, and, through no fault of the Permittee, Ecology has not made a final permit determination as set forth in WAC 173-303-840. If the Permittee fails to submit a timely, complete application as required under permit condition I.E.2 then those permit conditions necessary to protect human health and the environment will remain in effect beyond this Permit's expiration date until Ecology terminates the conditions.

I.J. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.J.1. The Permittee must sign all applications, reports, or information submitted to Ecology in accordance with WAC 173-303-810 (12) and must certify them according to WAC 173-303-810(13).

I.J.2. The Permittee shall submit all reports, notifications, or other submissions that are required by this Permit to Ecology via certified mail or hand-delivered to:

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1 Program Manager, Nuclear Waste Program
2 Department of Ecology
3 3100 Port of Benton Boulevard
4 Richland, Washington 99354-1670
5 Telephone: (509) 372-7950
6

7 The phone number and address may change, and such changes will be provided
8 by Ecology. Such changes will not require a permit modification.
9

10 I.J.3. The annual report required by WAC 173-303-390(2) may be submitted
11 electronically in accordance with Ecology's electronic reporting instructions.
12

13 I.K. FACILITY RECORDKEEPING
14

15 The Permittee shall maintain a written operating record in accordance with WAC 173-
16 303-380. Information must be recorded, as it becomes available, and maintained in the
17 operating record until closure of the MWSF.
18

19 I.L. CONFIDENTIAL INFORMATION
20

21 Any information submitted by the Permittee to Ecology may be claimed as confidential
22 by the Permittee in accordance with applicable provisions of WAC 173-30-810(15).
23

24 I.M. PERMIT RENEWAL
25

26 If the Permittee wishes to continue the activities authorized by this Permit beyond this
27 Permit's expiration date, the Permittee must reapply for a final facility permit pursuant to
28 WAC 173-303-806.
29

30 I.N. PERMIT ACTIONS
31

32 I.N.1. This Permit may be modified, revoked and reissued, or terminated for cause, as
33 specified in WAC 173-303-840(10).
34

35 I.N.2. The filing of a request by the Permittee for a permit modification, revocation and
36 re-issuance, or termination or a notification of planned changes or anticipated
37 noncompliance does not stay any permit condition.
38

39 I.N.3. Permit modification at the request of the Permittee shall comply with procedures
40 and other requirements of WAC 173-303-830.
41
42

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PART II – GENERAL FACILITY CONDITIONS

II.A. GENERAL WASTE MANAGEMENT

II.A.1. The Permittee is authorized to store containerized mixed wastes with dangerous waste numbers identified in the Part A Dangerous Waste Permit Forms (Permit Attachment AA) in the MWSF, including but not limited to mixed wastes generated on-site not managed pursuant to provisions of WAC 173-303-200. Any treatment, storage or disposal of dangerous and/or mixed waste by the Permittee not authorized by this Permit, WAC 173-303-200, or by Ecology under WAC 173-303-830(4)(e) (temporary authorizations) is prohibited. The Permittee is not authorized by this Permit to store Ignitable, Reactive, and/or Incompatible wastes.

II.A.2. The Permittee may accept the wastes specified in Permit Attachment AA (Part A/Forms 1 & 3) into the MWSF from off-site generators, including small quantity generators as long as the generator is owned or operated by the U.S. Department of Defense, Department of the Navy and has a valid State/EPA identification number. Mixed waste shall be shipped to the MWSF per the requirement of WAC 173-303-370.

II.A.3. All mixed waste received from off-site and mixed waste generated on-site which is held for over ninety (90) days must be managed by the Permittee only in Building 1002 (MWSF).

II.B. WASTE ANALYSIS

II.B.1. The Permittee shall maintain a written Mixed Waste Analysis Plan (Permit Attachment CC).

II.B.2. The Permittee shall track receipt of containers as they enter or exit the MWSF pursuant to WAC 173-303-370. A description of and the quantity of each mixed waste received and managed in the MWSF shall be maintained in the operating record until closure of the MWSF. [WAC 173-303-380]

II.B.3. The Permittee must have in the operating record an accurate and complete waste profile certified and dated by the PSNS & IMF for every waste stream accepted at the MWSF as described in Permit Attachment CC; except that Permittee may hold unknown or unidentified wastes, for up to 30 days, while completing a waste profile as in permit condition II.B.4.

II.B.4. When the Permittee receives a suspect, or unidentified, waste stream, the Permittee must manage the waste according to the procedures in permit condition III.A. (Container Management) until a waste profile is completed or waste analysis shows the waste can be identified as an existing U.S. Department of the Navy profile. Within 30 days, the Permittee must complete the waste profile

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1 and/or determine that the waste can be identified as an existing U.S. Department
2 of the Navy profile or returned to the generator.
3

4 II.C. PREPAREDNESS AND PREVENTION

5
6 II.C.1. Contingency Plan (Permit Attachment GG)
7

8 II.C.1.a. The Permittee shall maintain procedures for and conduct waste
9 management activities subject to this Permit in emergencies or during
10 sudden or non-sudden releases which threaten human health and the
11 environment according to the Contingency Plan, included as Permit
12 Attachment GG. [WAC 173-303-350(2)]
13

14 II.C.1.b. At all times, the Permittee must designate a qualified person as the
15 emergency coordinator. [WAC-173-303-360(1)] The primary emergency
16 coordinator shall be identified in the Contingency Plan (Permit
17 Attachment GG) as the Incident Commander for the Federal Fire
18 Department.
19

20 II.C.1.c. The Permittee must immediately carry out the provisions of the
21 Contingency Plan (Permit Attachment GG) whenever there is a fire or an
22 explosion at or affecting the MWSF, or a release of dangerous waste or
23 constituents from the MWSF to air, soil, or surface or ground water.
24

25 II.C.1.d. The Permittee must maintain a list of all emergency equipment at the
26 MWSF as specified in WAC 173-303-350(3)(e).
27

28 II.C.1.e. The Permittee must test and maintain the emergency equipment listed in
29 the Contingency Plan (Permit Attachment GG) as specified in WAC 173-
30 303-340.
31

32 II.C.1.f. The Permittee's Contingency Plan (Permit Attachment GG) shall meet
33 requirements for protection to human health and the environment for
34 potential impacts in the event of an emergency at the MWSF in
35 accordance with WAC 173-303-340, -350, -360 and -806(4)(a)(vii).
36

37 II.C.1.g. The Permittee will immediately report any emergency event that poses a
38 threat to human health or the environment as defined in the Contingency
39 Plan (Permit Attachment GG) pursuant to WAC 173-303-360(2)(d).
40

41 II.C.1.h. The Permittee will maintain in the operating record summary reports and
42 details of all incidents that require implementing the Contingency Plan
43 (Permit Attachment GG) pursuant to WAC 173-303-380(1)(d) &
44 360(2)(k) and permit condition I.F.5.
45

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1 II.C.2. The Permittee shall ensure that operations at the MWSF in response to an
2 emergency will not materially degrade the condition of the MWSF. If such
3 degradation of the MWSF occurs, the Permittee will restore the MWSF to its
4 operating condition.
5

6 II.C.3. In an emergency, and in accordance with permit condition II.C.1.c, the Permittee
7 shall follow the Contingency Plan (Permit Attachment GG). If a release of
8 dangerous waste/waste constituents occurs the following steps will be taken:
9

10 II.C.3.a. Determine the suspect environmental receptor for the constituents, based
11 on the type of event;
12

13 II.C.3.b. Obtain samples as necessary;
14

15 II.C.3.c. Develop sampling parameters based on the waste streams involved in the
16 event; and determine the method of analysis for each parameter; and
17

18 II.C.3.d. Determine threshold levels at which clean-up actions must be initiated
19 for each parameter. Threshold levels will be determined based on the
20 Model Toxic Control Act (MTCA), Chapter 173-340 WAC.
21

22 II.C.4. The Permittee shall comply with the preparedness and prevention requirements as
23 described below in accordance with WAC 173-303-340:
24

25 II.C.4.a. The Permittee shall maintain access to communications or alarms.
26 Personnel must have immediate access to telephone or hand-held radios, a
27 horn and strobe fire alarm system either actuated by the sprinkler system
28 or manual pull station (the fire alarm will sound locally at the building,
29 and at the Fire Department), and an alarm system automatically
30 dispatching the Fire Department. [WAC 173-303-340(2)]
31

32 II.C.4.b. The Permittee shall maintain portable fire extinguishers and spill kits at
33 locations identified on Figure D-1 in Permit Attachment BB.
34

35 II.C.4.c. The Permittee shall maintain a sprinkler system, automatically actuated
36 by heat detectors and temperature sensitive sprinkler heads.
37

38 II.D. SPILLS AND DISCHARGES INTO THE ENVIRONMENT

39

40 II.D.1. The Permittee must comply with the requirements of WAC 173-303-145
41 including, but not limited to, notification, mitigation, and control measures
42 specified in WAC 173-303-145(2) and (3) under the following circumstances:
43

44 II.D.1.a. A spill or non-permitted discharge of dangerous waste occurs onto the
45 ground, into the ground water, or into the surface water;

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1
2 II.D.1.b. A spill or non-permitted discharge of dangerous waste results in
3 emission into the air such that human health or the environment is
4 threatened; or

5
6 II.D.1.c. Other spills or discharges occur which threaten human health or the
7 environment.
8

9 II.E. PROCEDURES TO PREVENT HAZARDS

10
11 II.E.2. The Permittee shall comply with the following security requirements: [WAC 173-
12 303-310]

13
14 II.E.2.a. The Permittee shall maintain a 24-hour surveillance system that is
15 responsible for controlling access, and continuously monitors the MWSF.
16 [WAC 173-303-310(2)(b)]
17

18 II.E.2.b. The Permittee shall have posted at each entrance to the MWSF a sign
19 containing the following information in accordance with WAC 173-303-
20 310(2)(a):

21 Danger
22 Hazardous Waste Storage Area
23 Unauthorized Personnel Keep Out
24 No Smoking Open Flames or Hot Work
25 No Combustibles Within 5 Feet
26

27 II.F. GENERAL INSPECTIONS

28
29 II.F.1. The Permittee shall inspect the MWSF according to the inspection record in
30 Permit Attachment DD. Inspections shall be at least weekly, and daily whenever
31 containers of regulated wastes are added, removed, moved, or opened within the
32 MWSF, or if there is a spill, fire, breach of security, or any human error or natural
33 disaster that could affect the storage area. The Permittee shall maintain the
34 completed inspection record in the MWSF operating record for a period of at least
35 five years from the date of inspection (WAC 173-303-320).
36

37 II.F.2. The Permittee shall remedy any problems revealed by inspections required by
38 II.F.1 according to procedures and schedules in Permit Attachment HH.
39

40 II.G. TRAINING PLAN

41
42 II.G.1. The Permittee must maintain a written training plan and must conduct personnel
43 training according to the plan, Permit Attachment EE (Training Matrix) of this
44 Permit. [WAC 173-303-330]
45

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1 II.G.2. The Permittee must maintain training documents and records as follows: [WAC
2 173-303-330(3)]
3

4 II.G.2.a. The Permittee shall ensure that all personnel requiring training under this
5 plan must successfully complete training within six (6) months after being
6 assigned to work in the MWSF as specified in WAC 173-303-330(1)(c).
7

8 II.G.2.b. The Permittee shall ensure that all employees be supervised by trained
9 personnel until the training is complete. Refresher training shall be
10 provided to ensure personnel maintain an adequate level of proficiency.
11

12 II.G.2.c. The Permittee shall ensure that all records of training for current
13 employees, Training Plans, and course materials will be kept until the
14 MWSF is formally and permanently closed as specified in WAC 173-303-
15 330(2). Training records on former employees will be kept for at least
16 three years from the date the employee last worked at the MWSF. Printed
17 copies of these records are to be made available to state and federal
18 regulators upon request.
19

20 II.G.3. In the event the Permittee fails to comply with elements specified above for
21 training, Ecology may require the Permittee to submit a revised Training Plan for
22 review and modification, comment, or approval.
23

24 II.H. DEFINITION OF FACILITY

25

26 II.H.1. The definition of Facility shall be as depicted in Permit Attachment II, Figure 1,
27 as modified by Figure 2 with respect to Parcels "A" and "B," transfer of which
28 has already been completed to the City of Bremerton. This Facility definition
29 shall be enforceable prior to satisfaction of permit condition II.H.2.
30

31 II.H.2. Within seven (7) days after the effective date of the transfer of Parcels "C" and
32 "D" within Operable Unit D, the Permittee shall place in the Facility operating
33 record documentation of the property transfer recording number issued by Kitsap
34 County. The definition of Facility shall be as depicted in Permit Attachment II,
35 Figure 1, as modified by Figure 2 with respect to Parcels "C" and "D." The
36 Permittee shall also provide a copy of this legal description to Ecology, addressed
37 to the contact in Permit Condition I.J.2. This submission shall include the
38 certification statement in WAC 173-303-810(13). Changes to the definition of
39 Facility pursuant to this permit condition shall not be subject to the permit
40 modification requirements of WAC 173-303-830.
41

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PART III- CONTAINER STORAGE

III.A. CONTAINER MANAGEMENT

III.A.1. The Permittee shall manage containerized wastes at the MWSF as follows: [WAC 173-303-630]

III.A.1.a. The Permittee shall ensure that all containers remain in good condition in accordance with WAC 173-303-630(2).

III.A.1.b. The Permittee shall ensure that all mixed waste is compatible with the container in which it is packaged in accordance with WAC 173-303-630(4).

III.A.1.c. The Permittee shall ensure that containers holding mixed waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. [WAC 173-303-630(5)(b)]

III.A.1.d. The Permittee shall ensure that mixed waste being shipped to and from off-site locations is conducted in accordance with applicable USDOT regulations.

III.A.1.e. The Permittee shall ensure that the maximum inventory of waste at the MWSF will not exceed the equivalent volume of 600 55-gallon drums.

III.A.1.f. The Permittee shall ensure containers will be kept closed during storage except when wastes are added or removed. [WAC 173-303-630(5)(a)]

III.A.1.g. The Permittee shall ensure that all containers shall be placed such that labels are visible from the aisle. Any unnecessary markings or labels shall be removed. At least 36 inches of aisle space shall be maintained between rows of containers pursuant to WAC 173-303-340(3). This criterion is included in the MWSF Inspection Record (Permit Attachment DD).

III.A.2. The Permittee shall comply with the container labeling practices at the MWSF as described below in accordance with WAC 173-303-630(3):

III.A.2.a. Each mixed waste container is clearly marked with the following information:

III.A.2.a.i. contents of the waste container (waste stream name and/or number);

III.A.2.a.ii. the generator's name and address;

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1
2 III.A.2.a.iii. the hazards (major risks) associated with the waste; and

3
4 III.A.2.a.iv. Ecology Dangerous Waste label.

5
6 III.A.2.b. In addition, prior to shipment, each waste container shall be marked
7 with the following:

8
9 III.A.2.b.i. Uniform Hazardous Waste Manifest number; and

10
11 III.A.2.b.ii. USDOT labels and markings as required.

12
13 III.A.3. The Permittee must remove spilled or leaked waste within secondary containment
14 pursuant to WAC 173-303-630(7)(a)(ii):

15
16 III.A.3.a. Each spill or leak of dangerous waste to the secondary containment
17 system that does not prompt implementation of the Contingency Plan
18 (Permit Attachment GG) shall be entered into the operating record, per
19 permit condition I.K, if not removed from the secondary containment
20 system immediately.

21
22 III.A.3.b. Each spill or leak of dangerous waste to the secondary containment
23 system that prompts implementation of the Contingency Plan (Permit
24 Attachment GG) shall be entered into the operating record pursuant to
25 WAC 173-303-360(2)(k) and permit condition I.F.5.

26
27 III.A.3.c. Notation to the operating record required by permit condition III.A.10.b
28 shall include the following:

29
30 III.A.3.c.i. Date and time of the occurrence;

31
32 III.A.3.c.ii. Location of the discharge and identification of the equipment
33 that caused discharge;

34
35 III.A.3.c.iii. Description of materials spilled or leaked; and

36
37 III.A.3.c.iv. Actions taken to correct the cause of the spill or leak.

38
39 III.A.3.d. The Permittee shall maintain a concrete floor in the MWSF sealed with
40 an impervious coating pursuant to WAC 173-303-630(7).

41
42 III.A.3.e. The Permittee shall maintain the load/unload area outside the MWSF
43 paved with concrete and/or asphalt to prevent hazards and contain spills.
44
45

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1 III.B. CLOSURE

2
3 Building 1002 MWSF:

4
5 III.B.1. The Permittee shall comply with the Closure Plan in Permit Attachment FF
6 pursuant to requirements in WAC 173-303-610 and WAC 173-303-630(10).
7 Compliance with Permit Attachment FF starts when the Permittee “expects to
8 begin closure” pursuant to WAC 173-303-610(3)(c)(ii).
9

10 III.B.2. At least 45 days before initiating closure, the Permittee must provide a
11 Notification of Closure pursuant to requirements in WAC 173-303-610(3)(c).
12

13 Building 944/982 Interim Status TSDF:

14
15 III.B.3. Closure of Building 944/982 shall be accomplished in accordance with Ecology’s
16 approved closure plan dated October 31, 2005.

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PART IV- FACILITY COMPLIANCE REQUIREMENTS

IV.A. EMERGENCY PROCEDURES FOR NONCOMPLIANCE WITH PERMIT

IV.A.1. The Permittee must implement emergency procedures specified in the Contingency Plan (Permit Attachment GG) in the event of an incidence of noncompliance with this Permit that could threaten human health or the environment.

IV.A.2. The Permittee must immediately notify Ecology and other appropriate authorities by telephone any circumstances under permit condition IV.A.1. This notification must meet the requirements in WAC 173-303-360(2)(d).

IV.B. NOTIFICATION PROCEDURES FOR SPILLS/RELEASES OF DANGEROUS WASTE AND/OR DANGEROUS CONSTITUENTS, EMERGENCY EVENTS, OR NONCOMPLIANCE WITH PERMIT

IV.B.1. In the event any of the following spills and/or releases of a dangerous waste and/or dangerous constituent occurs, the Permittee must immediately notify Ecology's Northwest Regional Office Spill/Compliance Section (425-649-7000) initially, followed by notification to the lead inspector for the MWSF in the Nuclear Waste Program, Richland Office (509-372-7950). This telephone number may change; such a change is not a permit modification under Chapter 173-303 WAC. Notification is required for the following occurrences:

IV.B.1.a. Any spill and/or release that enters the environment (soil, air, surface water, ground water) causing the Permittee to implement the Contingency Plan (Permit Attachment GG); or

IV.B.1.b. Any spill or non-permitted discharge from the MWSF that requires notification pursuant to WAC 173-303-145(2)(a) or (b).

IV.B.2. The Permittee must record in the MWSF operating record the time, date, and details of any incident that requires implementation of the Contingency Plan (Permit Attachment GG). Within 15 days after the incident, the Permittee must submit a written report on the incident to Ecology. Such a report must at a minimum include all items specified in WAC 173-303-360(2)(k).

IV.B.3. The Permittee must immediately report any noncompliance which may endanger health or the environment. Ecology will require a written submission within five (5) days of any incident. Ecology may waive the written submission requirement in favor of a written report containing a description of the noncompliance pursuant to the requirements of WAC 173-303-810(14)(f).

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1 IV.B.4. The Permittee must report to Ecology all incidents of noncompliance with this
2 Permit within fifteen (15) days of such noncompliance. These reports must meet
3 the requirements in WAC 173-303-810(14)(g).
4

5 IV.C. SPECIAL REQUIREMENTS FOR SAMPLING AND ANALYSIS
6

7 The Permittee must allow independent sampling and sample splitting when requested by
8 Ecology. At the Permittee's request, Ecology will inform the Permittee of all analyses to
9 be performed on split samples.
10

11 IV.D. LAND DISPOSAL RESTRICTION REQUIREMENTS
12

13 The Permittee shall comply with applicable requirements of WAC 173-303-140, which
14 incorporates by reference 40CFR Part 268.

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PART V- CORRECTIVE ACTION

V.A. DEFINITIONS

Unless otherwise specified, the definitions set forth in Chapter 70.105 & Chapter 70.105D RCW, Chapter 173-303 WAC, and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-646, shall control the meanings of the terms used in this section of this Permit. Additional or modified definitions are as follows:

V.A.1. Corrective Action means any activities including investigations, studies, characterizations, and corrective measures, including actions taken pursuant to Chapter 70.105D RCW and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-646.

V.A.2. Facility, for the purposes of RCRA corrective action, the "Facility" shall be the Bremerton Naval Complex, as depicted in Figures 1 & 2 of Permit Attachment II according to permit condition II.H.

V.B. REQUIREMENTS

V.B.1. In accordance with WAC 173-303-646 and WAC 173-303-815(2)(b)(ii), the Permittee must conduct corrective action, as necessary to protect human health and the environment, for releases of dangerous waste and dangerous constituents from solid waste management units and areas of concern at the Facility, including releases that have migrated beyond the Facility boundary. The Permittee may be required to implement measures within the Facility to address releases which have migrated beyond the Facility's boundary.

V.B.2. Compliance with Chapter 173-340 WAC
By June 30, 2007, or such other time that may be approved in writing by Ecology's Toxic Cleanup Program, the Permittee shall submit a permit modification request to incorporate by reference into this Permit a Cleanup Action Plan for Operable Unit C in accordance with WAC 173-303-64620(3).
In accordance with WAC 173-303-646, the Permittee must conduct corrective action "as necessary to protect human health and the environment". To ensure that corrective action will be conducted as necessary to protect human health and the environment, except as provided in Permit Condition V.B.3, the Permittee must conduct corrective action in a manner that complies with the following provisions of Chapter 173-340 WAC:

V.B.2.a. As necessary to select a cleanup action in accordance with WAC 173-340-360 and WAC 173-340-350 State Remedial Investigation and Feasibility Study;

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V.B.2.b. WAC 173-340-360 Selection of Cleanup Actions;

V.B.2.c. WAC 173-340-400 Cleanup Actions;

V.B.2.d. WAC 173-340-410 Compliance Monitoring Requirements;

V.B.2.e. WAC 173-340-420 Periodic Site Reviews;

V.B.2.f. WAC 173-340-440 Institutional Controls; and

V.B.2.g. WAC 173-340-700 through -760 Cleanup Standards.

V.B.3. Acceptance of Work Under Other Authorities or Programs and Integration with the Federal Facilities Compliance Act (FFCA).

Work under other cleanup authorities or programs, including work under the FFCA, may be used to satisfy corrective action requirements, provided it protects human health and the environment and conforms to permit condition V.B.2. Subject to permit condition V.B.4, the Permittee shall be considered in compliance with the requirements of WAC 173-303-64620 through compliance with the following Records of Decision (RODs), including any modifications which may result from periodic five year reviews, issued pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA):

Final Record of Decision, BNC, OU A, signed January 24, 1997

Final Record of Decision, BNC, OU B Marine, signed June 13, 2000

Final Record of Decision, BNC, OU B Terrestrial, signed March 8, 2004

Final Record of Decision, BNC, OU NSC, signed December 13, 1996

Final Record of Decision, BNC, OU D, signed May 11, 2005

V.B.4. Upon completion of work required by the Records of Decisions in permit condition V.B.3, Ecology will determine whether the requirements of WAC 173-303-64620(1) and (2) have been satisfied, including but not limited to the requirements of WAC 173-303-64620(4), or if additional corrective action is required pursuant to WAC 173-303-64620(1) and (2).

V.C. NEWLY IDENTIFIED SOLID WASTE MANAGEMENT UNITS AND RELEASE NOTIFICATION

V.C.1. The Permittee shall notify Ecology, in writing, of any newly-identified solid waste management unit(s) (SWMU[s]) at the BNC at which solid wastes, including spills, have been routinely and systematically released. The notification shall occur no later than fifteen (15) days after discovery. This notification shall include the information specified in WAC 173-303-806(4)(a)(xxiii).

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1
2 V.C.2. The Permittee shall notify Ecology, in writing, of any newly-discovered releases
3 of dangerous wastes and/or dangerous constituents, including releases from any
4 SWMUs at the Facility, immediately upon discovery or as soon as practicable.
5 This notification shall include the information specified in WAC 173-303-
6 806(4)(a)(xxiv).
7

8 V.D. TRANSFERENCE OF PROPERTY
9

10 V.D.1. Prior to any voluntary or involuntary conveyance or relinquishment of title,
11 easement, leasehold, or other interest in any portion of the Facility, the Permittee
12 shall provide for continued implementation of all corrective action requirements
13 of this section of this Permit and implementation of any corrective action found to
14 be necessary as a result of this section of this Permit.
15

16 V.D.2. Prior to transfer of any legal or equitable interest the Permittee may have in the
17 Facility or any portions thereof, the Permittee shall serve a copy of this section of
18 this Permit upon any prospective purchaser, lessee, transferee, assignee, or other
19 successor in such interest. At least 30 days prior to the finalization of any
20 transfer, the Permittee shall notify Ecology of the contemplated transfer and
21 provide Ecology with a plan for continued implementation of this section of this
22 Permit. The Permittee shall also submit a request for modification of this Permit
23 per WAC 173-303-830(3) and (4).
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